



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE

REFER TO FILE: PD-1

June 28, 2010

TO: Each Supervisor

FROM: Gail Farber  
Director of Public Works

A handwritten signature in cursive script that reads "Gail Farber".

### **ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY BOARD MEETING OF MAY 24, 2010**

On May 24, 2010, my staff attended the regular Board meeting of the Alameda Corridor-East (ACE) Construction Authority. A copy of the May 24, 2010, agenda and adopted minutes of the April 26, 2010, regular Board meeting are attached. The following items were discussed at the meeting, which are of interest to the County of Los Angeles.

**Agenda Item VI** – The Chief Executive Officer reported that ACE staff met with the staff of the United States Senate Environment and Public Works Committee, which is chaired by Senator Barbara Boxer, on May 17, 2010, regarding the drafting of the Senate version of the six-year surface transportation reauthorization legislation. Staff will continue to interact with committee staff to include ACE projects in the reauthorization legislation. In addition, the CEO distributed the draft Phase II Grade Separation Traffic Study and Concept Plans to the ACE Board.

**Agenda Item VII** – The Board accepted the design contract with AECOM, USA, Inc., for the Ramona Boulevard Grade Separation project as being satisfactorily completed, for a final authorized contract value of \$3,287,602. The Disadvantaged Business Enterprise subcontracting goal for this contract was 20 percent, and the final DBE participation achieved was 19.67 percent.

Each Supervisor  
June 24, 2010  
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**Agenda Item VIII** – The Board approved staff's recommendation to authorize the CEO to amend the design services contract with AECOM, USA, Inc., for the Nogales Street (Los Angeles Subdivision) Grade Separation project to add \$218,694 due to design revisions required to minimize the project's impact on various properties, for a new contract value of \$3,727,101.

**Agenda Item IX** – The Board approved the ACE budget for Fiscal Year 2010-11 in the amount of \$109.380 million, which is an 11.8 percent increase from the approved FY 2009-10 budget of \$97.828 million and is as a result of additional project activities.

The Board did not approve the proposed 3 percent merit salary increase for ACE staff in the FY 2010-11 budget.

The next Board meeting will be held on June 28, 2010, at 2 p.m., at the Irwindale City Hall Chambers.

HF:re

C100899

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Attach.

cc: Chief Executive Office (William T Fujioka)  
Executive Office



## **Alameda Corridor-East Construction Authority**

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 [www.theaceproject.org](http://www.theaceproject.org)

### **ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY**

#### **BOARD OF DIRECTORS**

#### **REGULAR MEETING AGENDA**

**Monday, May 24, 2010 – 2:00 P.M.**

**Irwindale City Hall**

**5050 Irwindale Avenue**

**Irwindale, CA 91706**

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Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

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|-------|---|--------------------|
| I.    | Pledge of Allegiance  |                    |
| II.   | Roll Call and Introductions   |                    |
| III.  | Approval of Minutes of April 26, 2010 (Pages 1-6)   | Action             |
| IV.   | Public Comment  |                    |
| V.    | Chairman's Remarks  |                    |
| VI.   | Chief Executive Officer's Report (Pages 7-9)  | Information        |
| VII.  | Approval of Acceptance and Closeout of Design Contract with AECOM, USA, Inc. for the Ramona Blvd. Grade Separation Project (Page 10)  | Action             |
| VIII. | Approval of Contract Amendment for Design Services for AECOM, USA, Inc. for the Nogales Street Grade Separation Project (Pages 11-12)   | Action             |
| IX.   | Approval of FY '11 Budget (Pages 13-39)   | Action             |
| X.    | Closed Session: The Board will adjourn to closed in accordance with Government Code Section 54956.9(a) to discuss existing litigation (two cases)<br>Los Angeles Superior Court Case No. BS 1223376<br>Edward Rowland LLC and Golden Pacific Realty vs ACE Construction Authority & Caltrans<br>And | Possible<br>Action |

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The ACE Construction Authority is constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member. Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes. All disclosable public records related to this meeting are available for viewing at the ACE office above during normal working hours.

Los Angeles Superior Court Case No. BC429699  
Alameda Corridor-East Construction Authority vs MIPCO, L.L.C., et al.

XI. Adjournment

Action



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### **ACE Construction Authority Board of Directors April 26, 2010 Meeting Minutes**

1. **Roll Call & Introductions** – Chairman Spohn called the meeting to order at 2:03PM at the City of Irwindale Council Chambers. He welcomed new member Dr. Frank Gomez, representing Montebello. In attendance were:

Tim Spohn, Industry  
Tom King, SGVCOG  
David Gutierrez, San Gabriel  
Patricia Wallach, El Monte  
Frank Gomez, Montebello  
Michael Antonovich, County of Los Angeles  
Steven Atchley, Pomona

#### Staff

Rick Richmond, Chief Executive Officer  
Joe Silvey, Counsel  
Deanna Stanley  
Paul Hubler  
Charles Tsang  
Lou Cluster  
Regina Talamantez  
Victoria Butler

#### Guests

John McGrath, Dragados USA/ACS  
Shafi Sharifari, IDC  
Ralph Magna, MIPCO LLC  
Jeanne Harwin, Jacobs Engineering  
Nadine Salas, Gabrieleno Indians  
Bryce Little, PB Americas, Inc.  
Robert Dominguez, Gabrielenos Indians  
Ernest Salas, Gabrielenos Indians  
Art Salas, Gabreleno Indians

2. **Pledge of Allegiance** – Member Gutierrez led the pledge of allegiance.
3. **Approval of March 22, 2010** – A motion was made to approve the minutes of March 22, 2010. M/S/C/Antonovich/Gutierrez
4. **Public Comments** – Ralph Magna, representing MIPCO reminded the Board that in September and October 2009 during the public comment periods he

requested ACE acquire in full the property at 4205 Baldwin Avenue. He indicated since then ACE has moved forward with condemnation and MIPCO has counter-sued and also sued ACE's CEQA compliance. He stated he was of the opinion that ACE has been slow to respond to MIPCO's requests for information and is not being fair and reasonable. He indicated MIPCO was supportive of the Baldwin Avenue project but wanted ACE to settle in good faith and acquire the property in full.

Nadine Salas, Gabrieleno Band of Indians indicated the Gabrielenos would continue monitoring the San Gabriel Trench project. She requested ACE notify them should any human remains be discovered during the project. She indicated the Gabrielenos wanted continued assurance that any human remains would be handled with utmost care and dignity. Ms. Salas also requested clarification on whether houses on Main Street would be demolished. Regina Talamantez, Senior Project Manager, responded that there no homes on Main which would be acquired or demolished as part of the San Gabriel Trench project. She also acknowledged the Authority's continued commitment to the community.

5. **Chair Report** – The Chairman indicated the Finance Committee met on April 22<sup>nd</sup> and thanked Audit Manager Menchu Ituralde and Finance Director, Carlos Monroy for their presentation of material to the Committee. He encouraged other members to attend the next quarterly meeting.
6. **Chief Executive Officer's Report** – Mr. Richmond indicated the Colton Crossing in Riverside was allocated \$97 million in TCIF and \$33.8 in TIGER grant funds but the CTC found the project had not met TCIF guidelines which could cause deprogramming said funds. He indicated the state and local officials have struggled to put together a deal with the railroads that demonstrates enough benefit for the local drivers and residents to warrant the funding. He indicated the regional officials must have an agreement signed by the consensus group to the CTC by early May so the state officials can forward it to the federal officials. He indicated staff was participating in discussions and would continue to monitor this issue. He also reported the Authority was recruiting for a Contracts Manager as the former Contracts Manager has accepted another opportunity. Victoria Butler, Senior Project Manager reviewed progress photos of the Sunset Avenue grade separation.
7. **Approval of Selection and Contract Award for Construction Management Services for the Nogales Street Grade Separation** – Mr. Richmond reviewed

the existing conditions at Nogales and summarized the proposed project. He reminded the Board that a typical grade separation project required a construction manager, design contractor and construction contractor. An RFP for construction management services was issued in January 2101. Five proposals were received, of which, four were determined responsive. The Technical Evaluation Committee interviewed all four and the composite ranking, recommended PB Americas.

A motion was made to authorize the Chief Executive Officer negotiate a construction management services contract with PB Americas, Inc. for the Nogales Street grade separation and for fiber optic relocation necessary for the San Gabriel Trench. M/S/C/Gutierrez/King/Unanimous

8. **Approval of Agreement with Southern California Gas Company for Utility Relocation for the Nogales Street Grade Separation** – Mr. Richmond indicated the Nogales Street grade separation project included relocation of an underground 30-inch high pressure gas line which runs parallel to the railroad tracks. He indicated utilities determined to have prior rights are entitled to reimbursement for a share of actual costs. In this instance it has been determined Southern California Gas has prior rights and it is ACE's responsibility to reimburse SGC 43% of the total cost, estimated to be \$1,117,862. The Board discussed this matter.

A motion was made to authorize a collectible work authorization with the Southern California Gas Company for utility relocation necessary for the Nogales Street grade separation at an estimated Authority cost of \$1,117,862 with a 10% contingency. M/S/C/Gutierrez/Wallach/Unanimous

9. **Certification of the Final Environmental Impact Report and Authorization for Property Acquisition for the San Gabriel Trench** – Mr. Richmond introduced Terry Hayes, of Terry Hayes & Associates (TAHA). He indicated TAHA was retained by ACE for environmental compliance. He further referenced an errata sheet distributed dated April 22, 2010 which contained revisions to the text of the document but did not affect the conclusions or the comprehensive coverage of the project impacts. Mr. Hayes introduced Jessica Kirchner. She indicated that CEQA guidelines require that prior to approving a project the lead agency must certify the final environmental impact report (EIR) has been completed in compliance with CEQA, the final EIR consider the information and

reflects the agency's independent judgment and analysis. Ms. Kirchner reviewed the California Environmental Quality Act (CEQA) process. She reported that notice of preparation and scoping meeting was held, followed by draft supplemental environmental impact report (EIR) prepared, notice of availability/notice of completion made. A 45 day public comment period has passed during which time community meetings were held by ACE. Ms. Kirchner indicated notices were mailed to affected parties within 1,000 feet of the project. Advertising in the Pasadena Star News and Chinese Daily News of a scoping meeting held in October, 2008. A public meeting was also held in October 2009. Comments received were incorporated into the document and a final EIR prepared. She indicated of the 33 written comments, 9 were from public agencies, one comment was received from the Union Pacific and two letters received from the affected storage facility. There were 21 written comments from the public and 3 verbal comments. She reviewed the cultural resources. There are 23 historic properties which are highly important to the project and community. She indicated the archaeological sites of concern are the San Gabriel Mission, the Southern Pacific Railroad/San Gabriel Depot and two historic culverts. Ms. Kirchner reviewed mitigation measures that included: archaeological treatment plan, Native American coordination and monitoring, relocation of Chapman's Mill & Millrace, noise vibration management and monitoring plan, continuous vibration monitoring, post-construction survey, consideration of effects to setting, and repair of project-related damage to historic properties if necessary. She indicated vibration would be monitored up to one year after project completion. She indicated air quality and noise would also be closely monitored. Ms. Kirchner indicated ACE was partnering with the San Gabriel Unified School District. She indicated the drilling equipment to be used was less noisy. She indicated the next step was Board approval of the final EIR.

A motion was made to certify the Final Environmental Impact Report for the San Gabriel Trench and adopt the Findings of Fact and Statement of Overriding Considerations and the Mitigated Monitoring and Reporting Program.  
M/S/C/Gutierrez/Atchley/Unanimous

Mr. Richmond reviewed the right-of-way requirements of the San Gabriel Trench. He indicated the only property full take required was a storage facility.

A motion was made to authorize ACE to begin right-of-way acquisition for the San Gabriel Trench. M/S/C/Gutierrez/Atchley/Unanimous



- 10. Approval of Contingency Authorization for the San Gabriel Trench Design Contract with Moffatt & Nichol** – Mr. Richmond reminded the Board that in December 2007 Moffatt & Nichol was selected to provide design and engineering services for the San Gabriel trench through preliminary design. He indicated at the May 2009 meeting the Board approved an amendment to include final design for a total contract value of \$25,006,378. However, the final design authorization did not explicitly carry the 10% change order contingency provided for in the Authority's administrative code. He indicated as the design has proceeded a number of design and phasing changes have arisen which will require additional contract authorization.

A motion was made to authorize the Chief Executive Officer execute contract change orders to the design and engineering services agreement with Moffatt & Nichol for the San Gabriel Trench up to 10% of the current value of \$25,006,378.  
M/S/C/Antonovich/Wallach/Unanimous

- 11. Approval of Close Out of Temple Avenue 4<sup>th</sup> Track Infrastructure Construction Contract with SEMA Construction, Inc.**

Mr. Richmond explained the Temple Avenue project is substantially complete. He indicated one piece of work remains outstanding. He indicated there was a gas line which needed relocation but the type of protection on the pipe has been a source of disagreement between the Union Pacific and Kinder Morgan. He indicated ACE cannot complete the work unless or until an agreement between the two parties is reached. However, it is in the best interest of both ACE and the contractor that ACE close out the contract to allow SEMA to receive withheld retention. The required relocation may be accomplished directly with the Union Pacific once the protection issue is resolved.

A motion was made to 1. Accept the Temple Avenue 4<sup>th</sup> track infrastructure construction contract with SEMA Construction, Inc. as being completed in conformance with the project plans and specifications, with final closeout of the construction contract; 2. Approve the final retention of \$1,239,994 to SEMA Construction, Inc. upon completion of the statutory period identified in the California Civil Code, if no claims have been filed, and upon concurrence of the Chief Executive Officer and 3. Authorize ACE to release the Labor and Materials Bond and Faithful Performance Bond upon expiration of the required lien period, if no claims and objections have been filed, upon concurrence of the Chief Executive Officer. M/S/C/King/Gomez/Unanimous